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January 11, 2011

**VIA ECF & FASCIMILE 718-613-2365:**

Chambers of the Honorable  
Magistrate Cheryl L. Pollak  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Room 1230  
Brooklyn, New York 11201

**Re: Abdellah Bouzzi, et al. v. F&J Pine Restaurant, LLC et al.**  
**Case No.: 10 CV 0457 (DLI) (CLP)**

Dear Judge Pollak:

This office is counsel to Defendants Anthony Bastone and Charles Rose. This letter constitutes Defendants' request to extend the deadline for Defendants to comply with the Court's 12/14/10 Order requiring Defendants to supplement their prior responses to Plaintiffs' discovery demands and otherwise comply with the Court's rulings contained therein until the Defendants file an answer to Plaintiffs' amended complaint. Plaintiffs' counsel does not consent to the extension of any discovery deadline.

By E-mail today from Plaintiffs' counsel I received notice that Plaintiffs intend to move to amend their Complaint. I also received notice from Judge Irizarry that the motion to dismiss is denied. I therefore have an obligation in a few days to serve an answer to the original complaint. Although Plaintiffs have indicated they will be filing an amended complaint, I am concerned that if they do not the time to answer the original complaint will expire. I would request that the Court set a briefing schedule for the filing of any motion to amend the complaint and extend Defendants' time to answer to that provided under the Federal Rules of Civil Procedure or, if Plaintiffs decide not to amend the Complaint, to ten days after Plaintiffs notify this office and the Court of their intention not to amend the Complaint.

Furthermore, I request that any additional discovery from Defendants be held in abeyance until twenty days after Defendants submit an answer to the amended complaint or twenty days after Plaintiffs provide notice that they will not be amending the Complaint. I want to avoid a situation where Defendants provide discovery and then have to duplicate their discovery production after the Amended Complaint is served, or where discovery is provided unnecessarily. Additionally, some of the discovery currently pending may become moot after the Complaint is amended. No prejudice to any party results from the extension.

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This is the third request for an extension of the original 1/4/11 deadline to provide responses under the 12/14/10 Order. The first request was granted until 1/7/11. The second request was granted until 1/12/11. I would request to at least Friday 1/14/11 for defendants to provide supplemental responses pursuant to the 12/14/10 Order of the Court. Tomorrow is the current deadline and a blizzard is expected. Giving me until Friday insures that I have sufficient time to work on the production if, due to the snow, I can't access my office tomorrow. There is a status conference scheduled for January 27, 2011. If the supplemental discovery is provided to Plaintiffs by 1/14/11 no prejudice results to Plaintiffs as they will have sufficient time prior to the conference to review the additional discovery.

Thank you for the Court's kind attention to this matter. Please notify this office of the Court's decision today if possible as tomorrow is the current deadline.

Very truly yours,

TRIVELLA & FORTE, LLP

*Christopher A. Smith*

Christopher A. Smith, Of Counsel (CS 9014)

cc: Ambika Ganesh, Esq. (Plaintiffs' counsel) (via facsimile 212-257-6845 and electronic mail)

*Plaintiff is given until  
1/28 to amend the Complaint  
or notify the Court that no  
amendment will be filed.  
Defendant shall file an  
Answer by 2/7 if no  
amendment.*

*Defendant's responses under  
the Court's 12/14 Order are  
due 1/14. No further  
extensions will be granted.*

*So Ordered  
CPL  
WMB 1/11/11*